



AS
19/11/07

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR
REVIEW PETITION No. 75 of 2007

- APPLICANTS** :
1. State of Chhattisgarh through: The Secretary, Govt. of Chhattisgarh, Tribal Welfare Department, DKS Bhawan, Mantralaya, Raipur (CG).
 2. The Secretary, Govt. of Chhattisgarh, Panchayat & Rural Development Department, DKS Bhawan, Mantralaya, Raipur (CG).
 3. The Collector, District Jashpur (CG).

VERSUS

- NON-APPLICANT** :
- Dr. Rajendra Prasad Shukla, Aged about 41 years, S/o Late Shri Rampati Shukla, Chief Executive Officer, Janpad Panchayat Pathalgaon, District Jashpur (CG)
Presently R/o Village Dhakhara, Post Deogaon, Tahsil Raipur, Karkarchuliya, Distt. Rewa, Madhya Pradesh.

APPLICATION FOR REVIEW AND RECALL OF ORDER DATED 20.04.2007
PASSED IN W.P.(S) NO. 6477/2006.

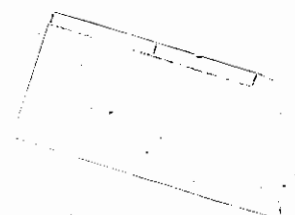
(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri A.S. Kachhwaha, Govt. Advocate for the applicants.

ORAL ORDER

(Passed on this 17th of November, 2007)

1. The petitioner has filed this review petition seeking review of the order dated 20.04.2007 passed in W.P.(S) No. 6477/2006 (Dr. Rajendra Prasad Shukla Vs. State of Chhattisgarh & 2 Others), wherein, the petition was disposed of on account of statement made by the Advocates appearing for the respondent No. 1 & 3.
2. Learned counsel appearing for the applicants submits that after the posting of the petitioner in the Panchayat & Rural Development Department, the petitioner was again transferred to his parent department i.e. Veterinary & Animal Husbandry. This was not the subject matter of W.P.(S) 6477/06 and a subsequent fact which was neither raised nor brought into the notice of the court, can not be ground for reviewing of the order passed in Writ Petition.





3. This review is not maintainable since the prayer of the petitioner in Writ Petition confines only to quash the transfer order from the Tribal Welfare Department to Panchayat & Rural Development Department.
4. Thus, there is no ground to review the order dated 20.04.2007 passed in W.P. (S) No. 6477/06.
5. The review petitioner has not pointed out any manifest error on the record and the petitioner has not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution. The applicant has not produced any new ground for review, except the same grounds which have been considered and decided in the writ petition.
6. Applying the well settled principles of law to the present case, there is no ground available for review of the order dated 20.04.2007. Under the garb of the review petition, the petitioner seeks an opportunity to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
7. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge